

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself
and on behalf of others similarly situated,

Plaintiffs

v.

ROBERT J. GARVEY, and PATRICK J.
CAHILLANE in their individual capacities,

Defendants

✓
Civil Action No. 05-30017-MAP

**PROPOSED ORDER ON MOTION FOR
FINAL APPROVAL OF CLASS SETTLEMENT**

MAP
6-22-07
After conducting a final fairness hearing on June 22, 2007, this Court makes the following findings and orders:

1. The Court finds that Class Counsel provided notice to the class as ordered by this Court and that class members received proper notice of the settlement.
2. The Court finds that the *Settlement Agreement*, is fair, reasonable and adequate. Therefore the Court **GRANTS** final approval of the settlement.
3. The Court **APPROVES** the distribution plan in the *Settlement Agreement*.
4. The Court **APPROVES** attorney's fees in the amount of \$68,333.33, or one-third of the \$205,000 settlement. The Court **FURTHER APPROVES** the payment of \$1,687.61 for litigation expenses.
5. The Court **APPROVES** payment to Analytics, Incorporated in the amount of no more than \$6,350 for the costs of administering this settlement.

6. The Court **APPROVES** incentive award of \$10,000 to compensate Charles Ryan, IV who spent time as the class representative working with class counsel to achieve the settlement.

7. The Court **ORDERS** the Claims Administrator to process all claim forms that are postmarked on or before June 29, 2009, determine whether the claimant is a class member, and send by first class mail postage prepaid a *Notice of Claim Approval* to all claimants who are verified as class members and a *Notice of Claim Denial* to all claimants who could not be verified as class members within seven days from the date of this Order. The *Notice of Claim Denial* shall, to the extent possible, inform the claimant of the reason for the denial. The *Notice of Claim Denial* will inform claimant of the availability of an appeal and the time within which an appeal must be made.

8. The Court **ORDERS** that the administration of the settlement comply with the following deadlines contained in the *Settlement Agreement*:

- a. Claimants who wish to appeal from a *Notice of Claim Denial* must file a written appeal postmarked no later than fourteen days from the date the *Notice of Claim Denial* was mailed (Appeal Deadline). Appeals from late claim denials shall be filed directly with the Court. All other appeals shall be filed with the Claims Administrator.
- b. The Claims Administrator shall resolve all class member appeals and send written notice to claimants of its final decision no later than seven days from the Appeal Deadline (Final Decision Deadline). If the decision is adverse to the claimant, the *Notice of Appeal Decision* will inform the claimant of his or her right to appeal to the Court.
- c. Claimants who wish to appeal the Claims Administrator's final decision to the Court shall file a notice of appeal with the Court no later than fourteen days from the final decision deadline. Claimants will be informed that their notice of appeal should include a copy of the Claims Administrator's decision denying the appeal.
- d. The Claims Administrator will be notified of any appeals and may file a response within five working days.

9. No later than seven days after this Court resolves the last appeal, the Claims Administrator shall make final calculations for distribution of the settlement funds and shall prepare for the Massachusetts Comptroller's Office a distribution spreadsheet as detailed in the *Settlement Agreement*.

10. The Comptroller's Office shall, within sixty days of receiving the distribution spreadsheet from the Claims Administrator, make payments as follows:

- a. Incentive bonus of \$10,000 to class representative Charles Ryan, IV.
- b. Litigation costs of \$1,687.61 and attorney's fee of \$68,333.33 to Class Counsel.
- c. Claims administration expenses of no more than \$6,350 to Class Counsel to be paid by Class Counsel to Analytics, Inc., and
- d. Distribute settlement payments to class members pursuant to the distribution plan.

11. The Attorney General's Office shall obtain an initial settlement distribution report from the Comptroller's Office and submit it to Class Counsel within 60 days from the date of distribution and thereafter obtain periodic updates of the report for Class Counsel. The Attorney General's Office shall obtain a final settlement distribution report in January 2009.

12. Class counsel shall file a final report of the settlement within 60 days from receiving the final accounting from the Attorney General's Office.

So ORDERED.

Dated this 22nd day of June, 2007



Michael A. Ponsor
United States District Judge